IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 11950 of 2007(V)

PETITIONER:

THOMAS VARGHESE, AGED 39 YEARS,
S/O.VARGHESE, TRACTOR DRIVER, ERUMELI GRAMA
PANCHAYATH, RESIDING AT KAVUMKAL HOUSE,
KANAKAPPALAM P.O., ERUMELY.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

1. ERUMELY GRAMA PANCHAYATH,
REPRESENTED BY SECRETARY, ERUMELY P.O.,
KOTTAYAM DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT,
KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.V.K.SUNIL
GOVERNMENT PLEADER SRI.P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11950 of 2007(V)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: COPY OF THE CERTIFICATE DATED 22.7.2006 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXHIBIT-P2: COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER TO HON'BLE MINISTER FOR LOCAL SELF GOVERNMENT DATED 02.04.2007

EXHIBIT-P3: COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER TO 1ST RESPONDENT DATED 02.04.2007

RESPONDENT'S EXHIBITS:

EXHIBIT-R1 (a): TRUE COPY OF THE RESOLUTION NO.VII (13) DATED 7.2.2007 OF THE RESPONDENT PANCHAYATH.

/TRUE COPY/

K.BALAKRISHNAN NAIR,J.

W.P (C) No. 11950 of 2007

Dated this the 11th day of July, 2007

J U D G M E N T

The petitioner is working on daily wage basis as Tractor driver under the 1st respondent Panchayat. He was working from since 8.11.2005. This writ petition is filed praying for a direction to the respondents to regularise him in service with effect from 8.11.2005. There is also a prayer for a direction to consider Exhibit-P3 representation filed by him, in which, he prays for retention in service. The Panchayat has filed a counter affidavit, in which, it is submitted that there is only one sanctioned post of Tractor driver. The Panchayat has resolved to move the Employment Officer for sponsoring candidates for appointment to the said post of Tractor driver.

2. Heard. The petitioner who is a daily wage employee, appointed directly from the open market, without any selection process has no legal right to claim regularisation in service. Therefore, the prayers in this writ petition cannot be granted. The Panchayat has already taken steps to fill up the post through Employment Exchange. If the service of Tractor driver on daily

wage basis is necessary, the petitioner shall be preferred to fresh daily wage hands. Subject to that direction, the writ petition is closed.

(K.BALAKRISHNAN NAIR,JUDGE)

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/TRUE COPY/

P.A. TO JUDGE

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007